



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

Johnny Sutton, U.S. Attorney

FOR IMMEDIATE RELEASE

June 22, 2006

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**THE UNITED STATES ATTORNEY'S OFFICE AND THE UNITED STATES
DEPARTMENT OF JUSTICE'S CIVIL RIGHTS DIVISION ANNOUNCED
TODAY THAT THE INVESTIGATION OF THE SHOOTING DEATH OF JESSIE
LEE OWENS BY AN AUSTIN POLICE DEPARTMENT OFFICER HAS BEEN
CLOSED**

The United States Attorney's Office for the Western District of Texas and the Civil Rights Division of the United States Department of Justice announced today that there was insufficient evidence to support federal criminal civil rights charges against an Austin Police Department (APD) Officer in the shooting death of Jessie Lee Owens on June 14, 2003. Federal authorities met with the family of Jesse Lee Owens this morning to inform them of the decision.

The Department of Justice's Civil Rights Division, the United States Attorney's Office, and the Federal Bureau of Investigation (FBI) conducted an independent investigation and carefully considered all the evidence. We have determined, however, that this matter does not involve a prosecutable violation of federal criminal civil rights statutes.

As part of our investigation, we obtained the APD investigative file, which included the incident reports, witness statements, autopsy report, photographs, evidence records, and forensic evidence analysis. We also reviewed the report detailing the independent investigation of the physical evidence obtained by the Travis County District Attorney's Office at the request of the victim's family.

In order to prove a violation of the applicable federal criminal civil rights laws, prosecutors must establish beyond a reasonable doubt that a law enforcement officer willfully deprived an individual of a Constitutional right. To act "willfully" for purposes of the federal statute means to act with a bad purpose to disobey or disregard the law. Accident, mistake, fear or bad judgment is not sufficient to establish such a criminal violation.

Here, the government could not prove, beyond a reasonable doubt, that the victim's death was the result of more force than was reasonably necessary. The available testimonial and physical evidence is insufficient to prove, beyond a reasonable doubt, a willful violation of the applicable federal criminal civil rights statute. Accordingly, the Department is closing this matter.

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The United States Attorney's Office, the Civil Rights Division of the Department of Justice, and the FBI devoted many hours and significant resources to conduct a complete and thorough investigation of the events surrounding Jessie Lee Owens' death. Our decision not to pursue criminal charges is based on the facts developed by that lengthy and thorough investigation.

The Department of Justice is committed to the vigorous enforcement of every federal criminal civil rights statute, such as those laws that prohibit the willful use of excessive force or other acts of misconduct by law enforcement officials. In fact, the Department has compiled a significant record on criminal civil rights prosecutions in the last five years. For example, over the past five years, the Department has increased the number of official misconduct prosecutions by 16 percent in comparison to the previous five years. We have charged 11 percent more defendants in color of law cases during the same time frame, and convicted 30 percent more defendants.